

**CITY OF WOBURN
NOVEMBER 14, 2006 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer - Absent	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8-0-1 (Dwyer absent).

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$57,000.00 be and is hereby appropriated as so stated from Overlay Reserve Acct#01-322000 \$57,000.00 to DPW Acct#0112158-586571 \$57,000.00 – Purpose: Purchase a compact hydraulic excavator.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I hereby recommend the above: s/F.W. Russell, Superintendent D.P.W.
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 8-0-1 (Dwyer absent).

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended in Title 3, Article VI, Section 3-26 as follows:

VI. Water and Sewer Enterprise Fund

3-26 The allocation of Indirect Costs to each department in the annual budget of the City of Woburn Water and Sewer Enterprise Fund shall be as follows:

City Council2.50%

Mayor.....	5.00%
City Auditor	7.50%
Purchasing Agent.....	7.50%
Assessors.....	1.00%
City Treasurer/Collector	12.50%
City Solicitor.....	7.50%
Data Processing.....	5.00%
City Clerk.....	1.00%
Human Resources	5.00%
Conservation	5.00%
Planning	5.00%
City Engineer	40.00%
DPW Administration Salary	40.00%
DPW Building Salary	10.00%
DPW Highway Salary.....	20.00%
DPW Overtime.....	20.00%
DPW Administration Maint.....	25.00%
DPW City Hall Maint.	10.00%
DPW Vehicle Insurance.....	30.00%
DPW Surface Drainage.....	20.00%
DPW Street Maint.....	20.00%
DPW Snow Removal	20.00%
DPW Traffic Control	20.00%
DPW Street Lighting.....	5.00%
DPW Repair & Resurface.....	20.00%
DPW Sidewalk Repair	20.00%
DPW City Garage	20.00%
DPW Telephone.....	20.00%
DPW Gas & Oil	20.00%
DPW Vehicle Maint.....	25.00%
DPW Public Buildings Maint.	20.00%
DPW Outlays	20.00%
Board of Health.....	5.00%
Unemployment Compensation.....	1.50%
Health Insurance	3.10%
Worker's Compensation	1.50%
Retirement.....	1.50%
Non-Contributory Retirement.....	1.50%
Medicare	1.50%

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 8-0-1 (Dwyer absent).

ORDERED That the City of Woburn hereby adopts Chapter 59, Section 5L of the Massachusetts General Laws “Deferral of taxes due by member of the Massachusetts National Guard or reservist on active duty outside of commonwealth”.

s/President Doherty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 8-0-1 (Dwyer absent).

PUBLIC HEARINGS:

On the petition by Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc., c/o Brian S. Grossman, Esq., Prince Lobel Glovsky and Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, Massachusetts 02114 for a special permit to install and operate a wireless communications link consisting of three (3) wireless communications antenna flush-mounted to an existing Boston Edison Company wood utility transmission structure #14 with the accessory radio equipment placed in an area adjacent to the structure within a fenced compound at 145 Lexington Street. PUBLIC HEARING OPENED. A communication dated October 24, 2006 was received from Attorney Brian S. Grossman as follows:

Re: Application for Special Permit – 145 Lexington Street – Omnipoint Communications, Inc., a wholly owned subsidiary of T-Mobile USA, Inc.

Dear Honorable Members of the City Council:

This office represents the Applicant in connection with the Application for Special Permit before the City of Woburn City Council (the “Council”). In connection with this matter, the City Council is scheduled to hold a public hearing on November 14, 2006. The Applicant is working with the City of Woburn Planning Board (the “Planning Board”), in its advisory capacity to the City Council, to address its questions concerning the Applicant’s authority to utilize the proposed access to the Property. The Applicant is scheduled to meet with the Planning Board at its meeting on Tuesday, November 28, 2006. Accordingly, the Applicant respectfully requests that the City Council’s public hearing be continued to the City Council’s regularly scheduled meeting, which we understand will take place on January 2, 2007 at 7:30 p.m.

Based on this request, we understand that the Applicant’s representatives need not appear at the City Council’s November 14th hearing. Please contact me immediately if a representative will be required to attend.

Please do not hesitate to contact me if you have any questions or concerns.

Thank you for your cooperation in this matter.

Very truly yours, s/Brian S. Grossman

Attorney Daniel Visalli stated that he was appearing for the petitioner at this meeting. IN FAVOR: None. OPPOSED: John Querze, 145 Lexington Street stated that he does not think putting a wireless facility on a telephone pole is safe, that this will block the view of the drivers in the area, and that he does not want anything that will obstruct the view of drivers on the highway Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 2, 2007, all in favor, 8-0-1 (Dwyer absent).

On the petition by Anthony J. Giunta, Jr., 188 Ridge Lane, Apt 311, Waltham, Massachusetts 02452 for a special permit pursuant to Section 5.1.44 of the 1985 Woburn Zoning Ordinances, as amended, to allow an auto repair/custom exhaust facility at 315 New Boston Street. PUBLIC HEARING OPENED. A communication dated October 31, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Anthony Giunta, Jr. – 315 New Boston St. – To allow for an auto repair/custom exhaust facility

Dear Mr. Campbell and Members of the City Council:

At the October 24, 2006 Planning Board meeting the board unanimously voted to send an unfavorable recommendation to the City Council because not enough information has been provided to support the Special Permit request for 315 New Boston Street to allow for an auto repair/custom exhaust facility.

If Council members have any questions or concerns regarding the above recommendations, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

No one appeared for the petitioner.. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be DENIED for the reasons that there was not enough information filed for the City Council to make a decision, that the petitioner did not appear at the public hearing and that the Planning Board gave an unfavorable recommendation, and further that this denial is as to the petitioner only and not as to the address, all in favor, 8-0-1 (Dwyer absent).

On the petition by Richard Lichoulas, 5 Tory Row, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.15 and Section 11 of the 1985 Woburn Zoning Code, as amended, in order to construct an accessory detached garage at 5 Tory Row.

PUBLIC HEARING OPENED. A copy of a communication dated October 2, 2006 from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund Tarallo, Planning Director was received as follows:

Subject: 5 Tory Row – Detached Garage Special Permit – Special Permit Application
September 11, 2006 – Plans Dated April 6, 2005

This office has reviewed the special permit application for the above referenced location and takes no exception to the special permit and plans as submitted.

If you or the board have any questions concerning, this information, do not hesitate to contact this office.

A communication dated October 16, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: Richard Lichoulas – 5 Tory Row – To construct accessory detached garage

Dear Mr. Campbell and Members of the City Council:

At the meeting held on October 3, 2006, the Planning Board voted to forward a favorable recommendation to the City Council regarding the application of Richard Lichoulas to allow the construction of a detached garage at 5 Tory Row.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney James Mawn, Mawn and Mawn, 215 Lexington Street, Woburn, Massachusetts 01801 and he stated that this is for an accessory detached garage, that it will be constructed behind an existing two car garage, that it will only be 760 square feet in area, that the door is in excess of eight feet, that the petitioner's pick-up truck which is used for their rental property maintenance will be parked in the garage, that no business is conducted from the house, and that the project meets the setback requirements. Attorney Mawn offered a rendering of the building for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0-1 (Dwyer absent). Richard Lichoulas stated that he owns a pick-up truck, that he does not own a vehicle with a company name on it, that he will park a commercial vehicle at the locus, that he had a commercial vehicle that he parked in the current garage but that he now owns a larger vehicle that will not fit in the garage, that the doors will be twelve feet high, that the garage will be twelve feet wide and 38 feet long, that there will be a counter installed in the back end of the garage, and that the door will be eighteen feet wide to avoid cutting down a tree. IN FAVOR: None. OPPOSED: None. Motion made and 2nd that the public hearing be closed, all in favor, 8-0-1 (Dwyer absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the

SPECIAL PERMIT be GRANTED, AS AMENDED with the condition as follows: 1. That the recommendations of the Planning Board be adopted as conditions, all in favor, 8-0-1 (Dwyer absent).

Motion made and 2nd for a five minute recess, all in favor, 9-0.

President Doherty called the meeting to order.

On the petition by Joseph A. Pecora, Pecora Contracting Co., Inc., 25 Murray Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Municipal Code, as amended, for accessory outside parking of commercial motor vehicle's or contractor's equipment in conjunction with the petitioner's contracting business and office in Unit #6 at 5 Crescent Avenue. PUBLIC HEARING OPENED. A copy of a communication from Brett F. Gonsalves, Senior Engineer, Engineering Department to Edmund P. Tarallo, Planning Director was received as follows:

Subject: 5 Crescent Avenue, Unit 6 – Special Permit – Special Permit Application Dated 9/22/06 – Revised Plans Dated 4/27/06

This office has reviewed the special permit application for the above referenced location and offers the following comments.

The petitioner is seeking a special permit for accessory outside parking of commercial motor vehicles or contractor's equipment. The permit does not indicate the amount of spaces sought after. This amount will need to be known and whether it will pose a problem for the other vacant units and the amount of spaces that they will be seeking at the time of occupancy.

This office will complete its review upon submission of the above referenced information.

If you or the board have any questions concerning this information, do not hesitate to contact his office.

A communication dated October 16, 2006 was received from Edmund P. Tarallo, Planning Director, as follows:

Re: Joseph A. Pecora, Pecora Contracting Co., Inc. – 5 Crescent Ave. Unit 6 – To allow for accessory outside parking of commercial motor vehicles or contractor's equipment

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 3, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for accessory outside parking of commercial motor vehicles or contractor's equipment at 5 Crescent Avenue Unit 6 subject to the following conditions:

1. That the petitioner shall be limited to the outside parking of no more than three commercial motor vehicles or contractor's equipment on the site.
2. That said vehicles or equipment shall be parked in the four most southwest spaces on the lot.
3. That all vehicles stored on the site shall be registered in the City of Woburn.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner is a general contractor, that for the last ten years or more he has operated on Central Street near Calvary Cemetery, that the petitioner will own this condominium unit, that the locus is located next to a railroad track, that the proposed use is allowed in the unit, that he will use the unit for office space, storage of equipment, storage of a vehicle and minor mechanical work on his vehicle, that he may have to store some vehicles overnight on the site, that most vehicles stay on the job sites, that he foresees the need to store three vehicles at a maximum on site from time to time, that permission to construct this addition was received from the Planning Board under site plan review, that the building has been constructed in accordance with the Planning Board decision, that the locus is in an area that allows overnight commercial parking with a special permit, that the use will not impact residences, that it is an ideal use for this location, that this allows a small contractor to have a place to store his equipment, that the use fits in well here, that the building is still under construction, that there are three parking spaces per unit, that he understands that when this building was approved by the Planning Board that there was no specific restriction against overnight parking,, that this allows particular petitioners to apply for a special permit as needed, that the City Council will have to take each request on its own, that access to the parking spaces is around the building, and that there will be no more than three vehicles parked outside with up to two vehicles parked inside. Joseph Pecora stated that the three outside parking spaces would be used by these vehicles, that time when most of the vehicles will be on site will be during the winter months, that the vehicles have been at the locus for the last six months as his company did the site work, that the hours of operation will be 6:30 a.m. to 6:00 p.m., that there will be no storage of materials on site except for the equipment and tools, that there are about two acres of parking on the locus, and that the road around back is a fire road. Alderman Mercer-Bruen stated that she has been to this site many times, that she is concerned with outside parking, that she understood that the building was constructed to get the vehicles off the street and away from the residences, that the paintball use at the locus will generate traffic, that she has visited the site and does not see where the parking will be, that own of

two other units will be looking the same type of use, that she understood that the plan was to get the vehicles inside, that the traffic from the locus will pass residences, that at the least this should be sent to committee for review, that she also wants the opportunity to review the Planning Board decision, that this is about the concerns of residents to these individual condominiums, that they were designed to have vehicles parked inside, that she went to the site and could not get back to where the vehicles are to be parked, and that she will meet with the petitioner at the site next week. Alderman Galvin stated that the City Council has to take each of these petitions on a case by case basis, that these uses serve a purpose, and that this gets commercial vehicles out of residential areas. IN FAVOR: Peter Carbone, Carbone Real Estate stated that he supports the petition and that the petitioner is a good businessman. Colin Carney, 2 Walnut Hill Park stated that this use will have little impact on his property, that this will have less of an impact than many other businesses that have located in that area with special permits, and that this use will not have a visual impact on Walnut Hill nor on Crescent Park. Ed walker, 26 Vernon Street stated that the contractors need a place to store their equipment, that the petitioner is an excavator with most of his equipment left at job sites, that the parking will be used by the office use, and that this is the perfect location for this business. Paul Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that the petitioner has done a lot of good work in the city and that he supports the petition. Bob Rafferty, 3 Banks Street stated that this is a good business with good equipment, that most of the time the equipment will be stored at job sites, that this is a better location for the business than the present location, that there is no need for committee review of this petition, that the area is an industrial use area, that railroad tracks pass by the locus, and that the Planning Board voted in favor of the proposal. Motion made and 2nd to close the public hearing, all in favor, 8-0-1 (Dwyer absent). Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 8-0-1 (Dwyer absent).

On the petition by HPH Realty, LLC, 9 North Maple Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57b and Section 8.3.2 of the 1985 Woburn Zoning Ordinances, as amended, so as to allow for the parking of commercial vehicles on the property at 3 Oakland Street and the abutting lot identified on Assessors Maps 9-6-2 and 9-6-1. PUBLIC HEARING OPENED. A communication dated October 31, 2006 was received from Edmund P. Tarallo, Planning Director as follows:

Re: HPH Realty, LLC – 3 Oakland St. and abutting lot – To allow for parking of commercial vehicles on the properties

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on October 24, 2006, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request to allow for parking of commercial vehicles at 3 Oakland Street in accordance to the parking plan dated April 16, 2006 revised October 2, 2006 subject to the following conditions:

1. That the existing water and sewer service connections be approved by the City Engineer;
2. That the detention basin shall have an overflow connection as approved by the City Engineer; and
3. That the Planning Board shall approve the landscaping plan and shall retain jurisdiction over the landscaping.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Appearing for the petitioner was Attorney John D. McElhiney, McElhiney and Matson, 607 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner requests this be continued to the next meeting as they are attempting to resolve an outstanding issue with the City Engineer. IN FAVOR: Bob Rafferty, 3 Banks Street stated that he asks that the traffic from the locus be limited from traveling on Merrimac Street and that the proposal will clean up the locus. OPPOSED: None. Motion made and 2nd to that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 5, 2006, all in favor, 8-0-1 (Dwyer absent).

COMMITTEE REPORTS: None.

CITIZEN'S PARTICIPATION: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by: Lannan Buick, Pontiac, GMC, Inc., 399 Washington Street; Lannan Chevrolet-Olds, Inc., 40 Winn Street; M&L Transit Systems, Inc., 60 Olympia Avenue; Woburn Foreign Motors, 394 Washington Street. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Dwyer absent).

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by: Capelo's Auto Service, Inc., 22 Winn Street; Francis Garbino dba Tom's Auto Body, 10R Green Street; George J. Hamilton dba George's Auto Body, 19 Jefferson Avenue, Unit C; J.C. Auto Sales, 84-86 Winn Street; Oliver McDermottroe and Bridget McDermottroe dba McDermottroe Auto, 229 Lexington Street; Robert McSheffrey dba Bob McSheffrey Auto Sales, 306 Montvale Avenue; McSheffrey Auto Sales, Inc., 878-880 Main Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Woburn Gas & Service, Inc., 545 Main Street.

Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Dwyer absent).

Petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Dwyer absent).

Petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning district. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 8-0-1 (Dwyer absent).

COMMUNICATIONS AND REPORTS:

A communication dated November 7, 2006 with attachments was received from Joanne Collins, Director, Woburn Council on Aging, including a copy of the minutes of the October Council on Aging meeting and the October Director's Report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Dwyer absent).

A communication dated October 17, 2006 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending September 2006: number of tickets issued 1,362, number of tickets paid 1,239, number of hearings scheduled 663, number of tickets voided or dismissed 147, number of tickets outstanding 290, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$53,860.60. There exists a backlog of 4,824 tickets for 1982 through 2005. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$11,600.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Dwyer absent).

A communication dated October 2, 2006 was received from Katherine P. Craven, Executive Director, Massachusetts School Building Authority, 3 Center Plaza, Suite 430, Boston, Massachusetts 02108 advising the city of the final audit results and final grant payment for the Malcolm White School project, that the city received a total grant from the Massachusetts School Building Authority (MSBA) in the sum of \$7,626,422.00 on October 2, 2006 on a total eligible project cost of \$12,212,343.00, that the grant represents the MSBA share of 61.74% of the final eligible audited project costs, and that the audit results are final and are not subject to further review or adjustment. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Dwyer absent).

A communication dated October 19, 2006 was received from Luisa Paiewonsky, Commissioner, MassHighway in response to a communication from the City Council relative to sound barriers and setting forth the policy of MassHighway relative to sound barriers. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8-0-1 (Dwyer absent).

A communication dated October 25, 2006 was received from Attorney Joseph Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petitioner of 325 Washington Street LLC, 325 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent 325 Washington Street LLC. As you know, on June 8, 2006 the City Council granted a special permit to allow for a Dunkin Donuts satellite facility within the existing gasoline station at 325 Washington Street, Woburn, Massachusetts as well as an alteration of the existing pylon sign.

Condition 9 of the special permit states: "That parking delineation and direction turn arrows as indicated on the site plan shall be installed in thermo-plastic". My client has been informed by U.S. Seal-Coat that thermo-plastic lines and markings are not recommended on Seal-Coat products since they do not bond properly to the latex base of the sealcoat. As a result, my client cannot comply with this condition and respectfully requests that the City Council allow for a minor modification to the special permit by eliminating the reference to "thermo-plastic" in Condition number 9. This matter has been reviewed by Jay Corey, City Engineer, who indicated that he would be forwarding a memorandum to the City Council agreeing that the thermo-plastic striping will not adhere

to the sealcoated blacktop and that he recommends removing this requirement from Condition 9 of the special permit.

I have enclosed herewith a copy of the correspondence from U.S. Seal-Coat in connection with the thermo-plastic materials. If you have any questions or need any further information please do not hesitate to contact me, Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2nd that the REQUEST be GRANTED, all in favor, 8-0-1 (Dwyer absent).

A copy of a communication with attachments dated October 24, 2006 from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 to Alderman Scott Galvin was received as follows:

Re: 434 Main Street

Dear Alderman Galvin:

Enclosed, please find a letter from Christopher Mulhern, architect for Jerry Capelo, explaining that the access issue has to be resolved prior to repairs commencing. I have forwarded this letter, and the enclosed rendition, to the WRA in hopes of obtaining any assistance they can provide. Request is made to continue generally the nuisance petition with the understanding that Mr. Capelo provide, through my office, periodic updates regarding the approval process.

Thank you for you cooperation and please call with any questions.

Sincerely, s/Mark J. Salvati

Alderman Galvin stated that there needs to be a definite time line of the work to be completed. Alderman Gately stated that this should be said to the attorney for the petitioner in a letter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED to the Regular Meeting of the City Council on December 5, 2006 and to notify the attorney of the continuance by letter requesting that a definite time lime be established, all in favor, 8-0-1 (Dwyer absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install granite curbing, concrete sidewalks and to pave side to side the entire length of Wade Avenue.

s/Alderman Dwyer

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install new granite curbing and cement sidewalks on Highland Street from Mount Pleasant Street south to Green Street.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install new granite curbing in front of 72 Garfield Avenue from the driveway entrance at 70 Garfield Avenue south to the intersection of Fowle Street.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 21, 2006

RESOLVED That the job description for the position of municipal infrastructure inspector for the Commerce Way/Wilmington waterline project shall be as follows:

At least a minimum of five (5) years experience in the underground construction field or equivalent experience or education; must be a Woburn resident; shall work with the Department of Public Works, the City Engineer and Woburn Business Association to oversee the entire project from Commerce Way through Presidential Way from the Wilmington line to Mishawum Road as inspector of the waterline pursuant

to Title 13 of the 1989 Woburn Municipal Code, as amended; shall work with the Woburn Business Association and businesses to be affected by the project notifying them of the work in progress ensuring minimal impact on the businesses; shall make sure that the entrances and exits to the businesses in the affected area are open so that workers can gain access and deliveries can be made; shall ensure that the road is free of debris and material nightly for public safety; shall ensure that proper barricades and signage and the appropriate police protection is provided; shall ensure that any damage to underground utilities are repaired in a proper and timely manner; shall take occasional photographs of the project with a report to the City Council on a monthly basis; that upon any dewatering of the excavation to ensure wetlands protection by using silt fencing and hay bales around any catch basins or drain outlets; and shall work with the Wilmington site project manager to ensure proper protection of the real estate and property of Woburn businesses and of the municipality's infrastructure system.

s/Alderman Gately

Alderman Gately stated that he came up with the criteria for the inspector's job that the mayor could go by, that the mayor and superintendent of public works were given the authority by the City Council to hire the inspector, that this is a standard description for this type of position, that this is an outline for the mayor as to what he should look for, that the reference to the Woburn Business Association (WBA) is only to ensure that the businesses are involved as most complaints will be made to the WBA, and that there is no power granted to the WBA but just seeks their involvement. Alderman Denaro stated that a resolve will have no clout and this should be a more definitive document. Alderman Galvin stated that he supports the intent of the matter however this is the mayor's appointment, that establishing an ordinance may be better although for such a short term position it may not be needed, and that he is concerned that the individual in this position has to work with an outside group such as the WBA rather than with another government entity. President Doherty stated that the City Council has indicated that the businesses in the area need to be informed about the progress of the project and that this position serves as a liaison for this project. Alderman Gonsalves stated that the matter could be amended to insert the words "business community" in place of the words "Woburn Business Association". Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED, with the amendment as follows: "To strike the words "Woburn Business Association" from the fourth sentence, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

Motion made and 2nd to Suspend the Rules for the purposes of adding the following to the Order of the Day as late filed matters, all in favor, 8-0-1 (Dwyer absent).

ORDERED That the sum of \$6,267.00 be and is hereby transferred as so stated from Medicare Match Acct#0198051-517600 \$6,267.00 to Inspections Salary Temporary Help Acct#0125151-512000 \$6,267.00.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor
I hereby recommend the above: Steven M. Paris, Building Commissioner

s/President Doherty (per request)

Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON FINANCE, all in favor, 8-0-1 (Dwyer absent).

COMMITTEE REPORTS:

PERSONNEL:

On the re-appointment of Arthur L. Duffy as a member of the Historic District Commission, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

On the appointment of Gregory R. Dubell as a member of the Historic District Commission, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

On the appointment of Peter Manakos as a member of the Sign Review Board, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

On the appointment of Heather Harvey as a member of the Human Rights Commission, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

SPECIAL PERMIT REVIEW:

On the request to revise the parking plan and refuse location relative to the special permit granted on April 18, 2006 to East Shore LLC, David Bernstein, Member, 10 Overlook

Drive, Bedford, Massachusetts, Petitioner and Landowner, pursuant to Section 11.3.12 of the 1985 Woburn Zoning Ordinances, as amended, to modify a current special permit for a six (6) unit building on a single lot with a two family dwelling and a single family dwelling for the reconstruction and the addition of a second floor to the two family dwelling for the land affected at 37 Kilby Street, committee report was received “back for action”. Alderman Gonsalves stated that the committee was in favor of the request however there was a concern about the dumpster not being closed of screen. David Bernstein appeared and provided documents to the City Council relative to the type of trash container that he would use. Motion made and 2nd that the documents be received and made part of the record, all in favor, 8-0-1 (Dwyer absent). Motion made and 2nd to allow the modification as set forth in the revised plan with an additional condition that the dumpster shall be closed or screened, all in favor, 8-0-1 (Dwyer absent).

COMMITTEE ON SPECIAL PERMITS REVIEW:

RESOLVED That the City Auditor advise the City Council of the appropriate form of order for the establishment of a revolving fund account for the benefit of affordable housing.

s/Alderman Gonsalves, as Chair on behalf
of the Committee on Special Permits Review

Alderman Denaro stated that he would like to have the Committee on Finance review this matter before moving forward, that generally he has no concern with stabilization funds but that there is an authority that handles these housing issues. Alderman Galvin stated that this would be similar to a stabilization fund, that money would be used for these purposes, that a City Council would be required to take funds out of the account, that the main source of funding would be from the Inwood project, that there are no funds ready to go into the account but this puts the city in position to place money in the account if any is received, that the City Council is the only one who can authorize spending from the account and no one else, that there should not be an impression that the City Council is being cavalier with affordable housing issues, and that if the Archstone project is approved the city will be close to the required low and moderate income housing limits shortly. Alderman Mercer-Bruen stated that the City Council should wait until next week to review this proposal. Alderman Drapeau stated that this proposal will also be a fund to place Chapter 40B receipts that the city may receive, and that while the Woburn Housing Authority and Woburn Redevelopment Authority each set out could reasons why they should control the funds the City Council can dole out the funds to worthy projects. President Doherty stated that if the City Council negotiates the buy-down with the Inwood project then the City Council should have control over the spending of those funds, that this will allow the city to set the agenda as to where senior housing will be located, that the city is at 8.5% of the low and moderate income housing goal and that by leaving the 49 units in the city would be perhaps 8.95%, that the land area at the Archstone project is seventeen acres and this puts the city near the land mass quota for affordable housing.

Motion made and 2nd that the RESOLVE be ADOPTED, AS AMENDED, to read as follows: "That the City Auditor set up a stabilization fund for an affordable housing fund", all in favor, 8-0-1 (Dwyer absent).

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

Petition by Velozo Enterprises, Inc dba Rogers Radiator, 936 Main Street for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Dwyer absent).

Petition by Southside Associates, Inc. dba Burke's Garage, 71 Main Street for renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON POLICE AND LICENSES, all in favor, 8-0-1 (Dwyer absent).

RESOLVED That the Traffic Commission investigate the feasibility of establishing a no heavy trucking restriction on South Bedford Road.

s/Alderman Galvin

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to Mayor: November. 16, 2006 s/Thomas L. McLaughlin Nov. 16, 2006

Motion made and 2nd to return to the regular order of business, all in favor, 8-0-1 (Dwyer absent).

Motion made and 2nd to ADJOURN, all in favor, 8-0-1 (Dwyer absent). Meeting adjourned at 9:07 p.m.

A TRUE RECORD ATTEST:

William C. Campbell
City Clerk and Clerk of the City Council